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Re: **United States Patent Application No. 09/788,639**

**Inventor: Roger Berger**

**Filed: 02/21/2001**

**Entitled: OCCIPITAL PLATE AND SYSTEM FOR SPINAL STABILIZATION**

**Art Unit: 3743**

**Attorney Docket No. 008932-320-999**

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### **REQUEST FOR CONTINUED EXAMINATION (RCE)**

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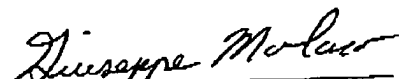


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### CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the attached "REQUEST FOR CONTINUED EXAMINATION" for Non-provisional application Ser. No. 09/788,639 entitled "OCCIPITAL PLATE AND SYSTEM FOR SPINAL STABILIZATION" is being filed with the United States Patent and Trademark Office by facsimile transmission on July 28, 2004 to facsimile telephone number 703-872-9306.

  
Giuseppe Molaro  
(Reg. No. 52,039)

July 28, 2004  
Date

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**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Express Mail No.	
Application Number	09/788,639
Filing Date	02/21/2001
First Named Inventor	Roger Berger
Group Art Unit	3743
Examiner Name	Odland, Kathryn P.
Attorney Docket No.	008932-0320-999

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.  
 NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

- a. ☒ Previously submitted  
 Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on May 10, 2004.  
 i. ☒ (A copy of which is attached hereto for your benefit).  
 (Any unentered amendment(s) referred to above will be entered).  
 ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed \_\_\_\_\_  
 iii. ☐ Other \_\_\_\_\_  
 b. ☐ Enclosed  
 i. ☐ Amendment/Reply  
 ii. ☐ Affidavit(s)/Declaration(s)  
 iii. ☐ Information Disclosure Statement (IDS)  
 iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(e) for a period of \_\_\_\_\_ months.  
 (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(f) required)  
 b. ☐ Other \_\_\_\_\_

3. **Fees**

- The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed  
 The Director is hereby authorized to charge the following fees, or credit any overpayments, to Jones Day Deposit Account No. 50-3013:  
 a. ☒ RCE fee required under 37 C.F.R. § 1.17(e), estimated to be \$ 770.00  
 i. ☒ Extension of time fee required under 37 C.F.R. §§ 1.136 and 1.17, estimated to be \$ \_\_\_\_\_ for a \_\_\_\_\_ month extension, the request for which is being made herewith  
 ii. ☐ Other The Commissioner is hereby authorized to charge any other fee which may be required to Jones Day Deposit Account No. 50-3013, a copy of this sheet is enclosed for such purpose.  
 iii. ☒ Check in the amount of \$ \_\_\_\_\_ enclosed  
 b. ☐ Payment by credit card (Form PTO-2038 enclosed)  
 c. ☐

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	By: Giuseppe Molaro	Registration No. (Attorney/Agent)	52,039
Name (Print/Type)	For: Brian M. Rothery	Registration No. (Attorney/Agent)	35,340
Signature	<i>Giuseppe Molaro</i>	Date	July 28, 2004

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
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Name (Print/Type)	Giuseppe Molaro	Registration No. (Attorney/Agent)	52,039
Signature	<i>Giuseppe Molaro</i>	Date	July 28, 2004

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